

## **REMARKS**

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. Claims 1-30 have been cancelled without prejudice. New claims 31-49 have been added. Therefore, claims 31-49 are now presented for examination. The following remarks are in response to the objections raised by the Examiner in the last Office Action mailed on October 21, 2004.

### **35 U.S.C. § 102 Rejection**

Former claims 1-7, 10-16, and 19-25 stood rejected under 35 U.S.C. §102(e) as being anticipated by Hammersley, U.S. Patent No. 6,618,783 (“Hammersley”).

Applicants respectfully submit that Hammersley discloses “a method for a first processor that controls I/O traffic of a first PCI bus to acquire and relinquish control of a second PCI bus when a second processor for doing the same becomes inoperative” (col. 8, lines 13-17).

Newly added independent claim 31 recites, in pertinent part, “a fault detection module coupled with fault detection hardware, the fault detection module to receive a notification from the fault detection hardware indicating a fault, a bus arbiter control module to provide bus arbitration on the plurality of buses, and to coordinate control of a plurality of buses between an active host and a standby host.” (emphasis provided). Hammersley does not disclose or reasonably suggest a fault detection module or coordination of control of a plurality of buses between an active host and a standby host, as recited by claim 31. Accordingly, Applicants respectfully submit that newly added claim 31 is patentable over the cited reference.

Newly added independent claims 37 and 45 contain limitations similar to those of claim 31. Therefore, claims 37 and 45 are also patentable over the cited reference.

Newly added independent claim 42 recites, in pertinent part, “a method of requesting a map of bus devices from an active host, determining whether the active host is to request split mode, wherein if the split mode is not requested, the active host is to receive a coherent bus device map, and placing a plurality of high availability (HA) aware device drivers into a pending start state.” (emphasis provided). Hammersley does not disclose or reasonably suggest such a feature as recited in claim 42. Accordingly, Applicants respectfully submit that newly added claim 42 is patentable over the cited reference.

### **35 U.S.C. § 103 Rejection**

Former claims 1 and 10 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Lanus et al., U.S. Patent No. 6,112,271 (“Lanus”) in view of Structured Computer Organization, 3<sup>rd</sup> Edition by Andrew S. Tanenbaum (“Tanenbaum”).

Applicants respectfully submit that Lanus discloses “a multiconfiguration backplane [that] can be configured in four different configurations: dual, extended, active/standby and active/active. The multiconfiguration backplane [also] has a first COMPACT PCI bus.” (Abstract, lines 1-4).

Tanenbaum discloses that “[h]ardware and software are logically equivalent.” (page 11, section 1.4). However, Lanus nor Tanenbaum disclose or reasonably suggest the limitations contained in newly added claims 31-49. Therefore, Applicants submit that newly added claims 31-49 are patentable over the cited references.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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